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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,709	05/03/2005	Said Mansouri	MANSOURI, S. - 1 PCT	9628

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EXAMINER	
MEHTA, BHISMA	
ART UNIT	PAPER NUMBER
3767	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,709	MANSOURI, SAID	
	Examiner	Art Unit	
	BHISMA MEHTA	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-4,9-16,18,20 and 23-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-16,18 and 23-25* is/are rejected.

7)☒ Claim(s) *2-4 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to disclose the separator piston protruding into a pressure chamber. The specification does disclose the separator piston projecting into a pressurization space (see lines 19-22 of page 14). It is suggested that the language of the claims and/or specification be amended such that the specific language in the claims corresponds to that of the specification. Thus, it is suggested that "pressure chamber" in claim 20 be replaced with "pressurization space".

Claim Objections

2. Claim 12 is objected to because of the following informalities: It appears that “a control hole” in line 3 of claim 12 is referring to the control hole recited in line 11 of claim 23. Therefore, “a control hole” in line 3 of claim 12 should be amended to recite “the control hole”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-16, 18, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Haar et al (U.S. Patent No. 6,440,099). In Figure 2, Haar et al show a syringe having a slide valve (33) with a front element, a feed piston (18a) that is longitudinally slidable in a carpule volume and that has a pressure plate (21a), a first hydraulic chamber (adjacent to the pressure plate) which is connected to the feed piston pressure plate, a second hydraulic chamber (34a), and a control hole having an opening between the first and second hydraulic chamber. The second hydraulic chamber is behind and connected to the first hydraulic chamber, and is thus considered to be capable of allowing for regulation of flow resistance. A spring (47) is connected to the slide valve and biases the slide valve to a rest condition where the opening of the control hole is closed. The slide valve has a slide valve pressure plate which is connected to the first hydraulic chamber. The front element of the slide valve projects or protrudes into the first hydraulic chamber and is considered to be capable of allowing for haptic feedback of the pressure in the first hydraulic chamber. The slide valve (33) is capable of closing or progressively opening the opening of the control hole between the first and second hydraulic chambers. As to claims 9 and 10, a touch-sensitive key pad (32) causes the control hole to open at least substantially parallel to the axis of movement of the slide valve when pressed and is disposed at least partially in a front half of the syringe. The axis of movement of the slide valve is disposed perpendicular to a longitudinal axis of the syringe. The slide valve is biased with a biasing force closing the control hole where the biasing force is the force that keeps the key pad in the position shown in Figure 2. As to claims 13-16, the valve (33) is considered to be

the indexer piston that is connected to the first hydraulic chamber where a foot of the indexer piston projects into the first chamber. The indexer piston is slidably mounted and has a limit stop (the portion of the syringe where the key pad abuts the syringe in Figure 2). The indexer piston is considered to be mounted such that it is biased against an exit direction. As to claim 18, the feed piston completely lies within a feed cylinder (23). As to claim 24, Haar et al show a syringe having a slide valve (33) with a front element, a feed piston (18a) that is longitudinally slidable in a carpule volume and that has a pressure plate (21a), a first hydraulic chamber (adjacent to the pressure plate) behind and connected to the feed piston pressure plate, a second hydraulic chamber (34a), and a control hole having an opening between the first and second hydraulic chamber. The second hydraulic chamber is behind the feed piston and connected to the first hydraulic chamber, and is thus considered to be capable of allowing for regulation of flow resistance. A spring (47) is connected to the slide valve and biases the slide valve to a rest condition where the opening of the control hole is closed. The slide valve has a slide valve pressure plate which is connected to the first hydraulic chamber. The front element of the slide valve projects or protrudes into the first hydraulic chamber and is considered to be capable of allowing for haptic feedback of the pressure in the first hydraulic chamber. The slide valve (33) is capable of closing or progressively opening the opening of the control hole between the first and second hydraulic chambers. As to claim 25, Haar et al show a syringe having a slide valve (33) with a front element, a feed piston (18a) that is longitudinally slidable in a carpule volume, a hydraulic system connected to the feed piston and comprising at least a first

hydraulic chamber (adjacent to the pressure plate), an indexer piston which is part of the slide valve and which is connected to the first hydraulic chamber, a second hydraulic chamber (34a), and a control hole having an opening between the first and second hydraulic chamber. The position of the indexer piston within the syringe (i.e. as positioned in Figure 2 and as positioned in Figure 3) would make the pressure in the hydraulic chamber optically recognizable where a haptic feedback is provided alternatively or additionally. The second hydraulic chamber is behind and connected to the first hydraulic chamber, and is thus considered to be capable of allowing for regulation of flow resistance. A spring (47) is connected to the slide valve and biases the slide valve to a rest condition where the opening of the control hole is closed. The slide valve has a slide valve pressure plate which is connected to the first hydraulic chamber. The front element of the slide valve projects or protrudes into the first hydraulic chamber and is considered to be capable of allowing for haptic feedback of the pressure in the first hydraulic chamber. The slide valve (33) is capable of closing or progressively opening the opening of the control hole between the first and second hydraulic chambers.

Allowable Subject Matter

5. Claims 2-4 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 9-16, 18, and 23-25 (rejected under 102(b) by Haar et al) have been considered but are moot in view of the new ground(s) of rejection. As to Applicant's arguments in lines 5-15 of page 13, Haar et al disclose a spring (47) which is connected to the slide valve and which biases the slide valve to a rest condition where the opening of the control hole is closed, and, therefore, this meets the limitations of the claims.

7. Applicant's arguments, see lines 11-20 of page, filed May 21, 2009, with respect to claims 2-4, 9-12, 18, 20, and 23-25 (rejected under 102(b) by Love) have been fully considered and are persuasive as Love does not disclose a spring) which is connected to the slide valve and which biases the slide valve to a rest condition where the opening of the control hole is closed. The rejection of claims 2-4, 9-12, 18, 20, and 23-25 as being rejected by Love has been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHISMA MEHTA whose telephone number is (571)272-3383. The examiner can normally be reached on Monday through Friday, 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhisma Mehta/
Examiner, Art Unit 3767
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